REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

By this amendment, claims 13-23 have been cancelled without prejudice and new claims 24-29 added. Thus, claims 24-29 are pending.

Support for the new claims can be found at least at column 29, lines 20-22; column 29, lines 32-37; column 30, lines 6-19; Fig. 87; column 30, lines 42-50; Fig. 88; column 21, lines 26-30; column 23, lines 35-49; Fig. 24.

In light of the Examiner's requirement for new copies of the drawings, a clean copy of each drawing sheet of the printed patent is filed herewith. See 37 C.F.R. § 1.173(a)(2) and MPEP § 1413. It is submitted that the currently submitted clean copy of each drawing sheet meet the drawing requirements for reissue applications.

Art Rejection, Bryan Reference

Claims 13, 15, 17, 20, and 22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Bryan et al, U.S. Patent No. 5,561,468 (hereafter "Bryan"). This rejection is traversed.

Bryan is not prior art to the present application because the effective filing date of Bryan is May 7, 1993, which is after the effective filing date of the present application, March 25, 1992. The effective filing date of the present application is the filing date of the parent application 07/857,627. The present application is a reissue application of Patent No. 5,600,672, which matured from application 08/240,521, which is a continuation-in-part of application 07/857,627 (hereafter "the '627 application"). The '627 application fully supports the claimed inventions. The support can be fully seen by referring to U.S. Patent No. 5,555,275, which matured from application 08/417,269, which is a continuation of the '627 application. Please see the following citations in U.S. Patent No. 5,555,275, which disclose the same substance as the citations listed above as support for the pending claims: column 23, lines 12-14; column 23, lines 24-29; column 23, line 66 to column 24, line 12; Fig. 87; column 24, lines 36-44; Fig. 88; column 16, line 65 to column 17, line 1; column 17, lines 30-44; and Fig. 24. Because the pending claims are fully supported by the parent application having a filing

date of March 25, 1992, which is before the effective filing date, May 7, 1993, of Bryan, it is submitted that Bryan is not prior art to the present application. Accordingly, the rejection under 35 U.S.C. § 102(e) based on Bryan should be withdrawn.

Art Rejection, Bryan in view of Wei

Claims 14, 16, 18, 19, 21, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bryan in view of Wei, U.S. Patent No. 5,243,629 (hereafter "Wei"). This rejection is traversed.

As discussed above, the primary reference, Bryan, is not prior art to the present application.

The secondary reference, Wei, has an effective filing date of September 3, 1991. The earliest foreign priority date of the present application is March 27, 1991, which is the filing date of the foreign priority document 3-62798. However, the present application claims foreign priority to several foreign priority documents, including JP 03-182236 (hereafter "the '236 document"). The foreign priority date established by the '236 document is July 23, 1991, which is earlier than the earliest possible effective filing date of Wei (September 3, 1991). A certified copy of each of the foreign priority documents was filed in connection with the prosecution of the underlying patent (5,600,672), for which the present application is a reissue application. Further, in order to perfect the foreign priority with respect to the '236 document in the present application, a verified translation of the '236 document is filed herewith. The presently claimed invention is fully supported by this foreign priority document. See, for example, page 60, lines 5-7; page 60, line 17 to page 61, line 2; page 62, line 18 to page 63, line 11; Fig. 87; Page 64, line 13 to page 65, line 1; Fig. 88; page 40, lines 16-19; page 41, lines 5-19; and Fig. 24 of the enclosed translation of the '236 document. Accordingly, Wei is not prior art to the present application. Thus, it is requested that the rejection based on Wei be removed.

Since Bryan and Wei are not prior art to the present application, the rejection based on these references should be withdrawn.

Obviousness-Type Double Patenting Rejections

Claims 13-23 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 13-23 of co-pending application 09/680,176 (hereafter "the '176 application"). This rejection is traversed.

Initially, it is noted that the claims in the '176 application have been amended. Thus, it is requested that the Examiner reconsider the obviousness-type double patenting rejection in light of the amended claims and the following comments.

Each of the pending claims, i.e., claims 24-29, of the present application recites that the first data stream has data for demodulation including the number of signal points of the constellation for the ECC encoded second data stream. In contrast to these recitations, the claims in the '176 application recite that the first data stream has synchronization data and data for demodulation for demodulating the ECC encoded second data stream. It would not have been obvious to a person having ordinary skill in the art at the time the present invention was made to provide a first data stream having data for demodulation including the number of signal points of the constellation for an ECC encoded second data stream based on the claims in the '176 application of a first data stream including synchronization data and data for demodulation for demodulating the ECC encoded second data stream. The claims of the '176 application do not include any recitation, nor does the subject matter supporting the claims of the '176 application suggest, the number of signal points being included in the data for demodulation.

In view of the above, it is submitted that the provisional obviousness-type double patenting rejection based on the claims of the '176 application is inapplicable to claims 24-29 of the present application.

Claims 13-23 were also provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 13-17 of co-pending application 09/677,421 in view of Wei. This rejection is traversed because, as discussed above, Wei is not prior art to the present application.

Because of the above amendments and remarks, it is submitted that claims 24-29 are allowable, and that the present application is in condition for allowance. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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